

APPEAL NO. 021190
FILED JUNE 24, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 9, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and did not have disability. The claimant appeals these determinations on sufficiency of the evidence grounds. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury on _____, and did not have disability. The injury determination involved a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's injury determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). Because the claimant did not sustain a compensable injury, the hearing officer properly concluded that the claimant did not have disability. Section 401.011(16).

The claimant, who was represented by an attorney at the hearing, asserts as a basis for her appeal that she was not given an opportunity to present her case fully. The claimant states, "I was not asked what was said by me to a supposed witness. I also was not asked if what was said by the other party was true or not." Nothing in our review of the record indicates that the claimant was prevented from presenting evidence at the hearing with regard to these matters. Rather, it appears that the claimant, having failed to meet her burden of proof, now seeks reversal for the presentation of additional evidence. As ample opportunity was afforded the claimant to meet her burden of proof in this case, we decline to grant the claimant a "second bite at the apple."

The decision and order of the hearing officer are affirmed.

The true corporate name of the carrier is **AMERICAN MANUFACTURERS MUTUAL INSURANCE** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Michael B. McShane
Appeals Judge